

Amendment A  
S.N. 09/488,614  
Page 6

R E M A R K S

Applicants have made a diligent effort to put the pending claims in condition for allowance. Claims 1-18 have been canceled without prejudice or disclaimer. Claims 19-32 have been added. Fourteen claims remain pending in the application: Claims 19-32. Consideration of the pending claims is respectfully requested.

Objections to the Drawings

1. The drawings stand objected to for failing to comply with 37 C.F.R. § 1.84(p)(5) because reference sign "908" referred to in the specification at page 32, line 19 is not included in the drawings.

Applicants have amended the paragraph beginning at page 32, line 14 to delete the reference to "908" in the specification, and thus the objection is overcome. No new matter has been entered.

2. The drawings stand objected to for failing to comply with 37 C.F.R. § 1.84(p)(5) because reference numeral "135" shown in Figure 1 is not included in the specification.

Applicants have amended the paragraph beginning at page 10, line 17 to include a reference numeral "135" in the specification, and thus the objection is overcome. No new matter has been entered.

Newly Added Claims

3. Claims 19-32 have been added. Support for the newly added claims can be found throughout the originally filed specification, drawings and claims. No new matter has been entered.

Amendment A  
S.N. 09/488,614  
Page 7

Specifically, support for claims 19-32 can be found at pages 7 and 30-31 of the originally filed specification. Additional support can be found in Figure 8 and originally filed claims 1-18.

Rejection under 35 U.S.C. § 103

4. Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,808,662 (Kinney et al.) in view of U.S. Patent No. 6,591,420 (McPherson et al.) further in view of U.S. Patent No. 6,609,253 (Swix et al.).

While, Applicants traverse the above rejection of claims 1-18, claims 1-18 have been canceled and thus the rejection will be addressed regarding newly submitted claims 19-32.

Kinney et al. disclose a collaborative computer network for the use of editing films. Each workstation can simultaneously view the movie and make edits to the movie or control the playback of the movie as desired. Generally, a movie file is distributed either by CD-ROM prior to viewing and editing of the film. As described with reference to Figs. 2A, 2B and 2C, a participant will join an editing session by sending a "hello" event to a master. The master then sends back a seek event or a play event to the requesting device.

In contrast, Applicants' newly submitted claim 19 recites "determining a start time of a simultaneous event, the simultaneous event to include a plurality of client apparatuses; receiving a request prior to the start time from a client apparatus to take part in the simultaneous event; and sending a command to the client apparatus in response to receiving the request from the client apparatus if the

Amendment A  
S.N. 09/488,614  
Page 8

request is received during a predetermined threshold period, wherein the command relates to starting the simultaneous event on the client apparatus."

Applicants' provide a method for the simultaneous playback of an event over a network, e.g., the internet. The simultaneous event can, for example, include thousands of participants who would like to participate in the simultaneous event, thus Applicants' method allows for a client to request to take part in the simultaneous event prior to the start time of the simultaneous event. If the request is received during a predetermined threshold period a command relating to starting the simultaneous event on the client apparatus is sent to the client apparatus. This provides for a method where many different client apparatuses can be cued for the start of the simultaneous event during the predetermined threshold period.

Kinney et al. does not teach or suggest a system including Applicants' claimed "sending a command to the client apparatus in response to receiving the request from the client apparatus if the request is received during a predetermined threshold period, wherein the command relates to starting the simultaneous event on the client apparatus." Furthermore, Kinney et al. do not teach or suggest a predetermined threshold period at all.

Still further, section 2143.01 of the Manual of Patenting Examining Procedure (MPEP) states:

"If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

Incorporating a predetermined threshold period in

Amendment A  
S.N. 09/488,614  
Page 9

Kinney et al. would render Kinney et al. unsatisfactory for its intended purpose because it would require movie editing sessions to be set up in advance and then have the users waiting around for the start of the editing session. This would lead to a loss in productivity during the process of editing a movie. As described in Kinney et al. "[t]he present invention allows participants to improve productivity" (Column 2, lines 30-31). Thus, there would be no motivation to incorporate a feature that would defeat the intended purpose of improved productivity into Kinney et al.

Thus, as described Kinney et al. does not teach or suggest "sending a command to the client apparatus in response to receiving the request from the client apparatus if the request is received during a predetermined threshold period, wherein the command relates to starting the simultaneous event on the client apparatus." Furthermore, neither McPherson et al. nor Swix et al. teach or suggest Applicants claimed limitations. Still further, as described above, incorporating the above recited "predetermined threshold period into Kinney et al. would render the system of Kinney et al. unsatisfactory for its intended purpose.

Thus, Applicants respectfully submit that new independent claim 19 is in condition for allowance. Furthermore, claims 20-32 are in condition for allowance at least because of their dependency upon allowable claim 19.

Amendment A  
S.N. 09/488,614  
Page 10

C O N C L U S I O N

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted;



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